

FIRST SUPPLEMENTAL INTERLOCAL CONTRACT
PEAK DRIVE SYSTEM
(JONES BOULEVARD TO MICHAEL WAY)

THIS FIRST SUPPLEMENTAL INTERLOCAL CONTRACT made and entered into as of the 8th day of June, 2006 by and between the Clark County Regional Flood Control District, hereinafter referred to as "DISTRICT" and the CITY OF LAS VEGAS, hereinafter referred to as "CITY".

W I T N E S S E T H

WHEREAS, pursuant to Chapter 543 of the Nevada Revised Statutes the DISTRICT may approve a project to design and construct flood control improvements; and

WHEREAS, the flood control improvements proposed herein are generally identified in the 2002 Master Plan, Structure No. LVPK 0056 hereinafter referred to as "PROJECT"; and

WHEREAS, the PROJECT is identified and shown on the attached Exhibit "A"; and

WHEREAS, the PROJECT has been approved by the DISTRICT on its annual Ten Year Construction Program; and

WHEREAS, the PROJECT has regional flood control significance and is located in the same hydrographic area as the Las Vegas Valley; and

WHEREAS, an Interlocal Contract for the engineering design for the Peak Drive System (Jones Boulevard to Michael Way) was entered into between the DISTRICT and the CITY on August 14, 2003; and

WHEREAS, the CITY wishes to increase funding, change the scope of the project and extend the completion date; and

NOW, THEREFORE, in consideration of the covenants, conditions, contracts, and promises of the parties hereto, the DISTRICT and the CITY agree to the following

SECTION I – SCOPE OF THE PROJECT shall be revised to read as follows:

THIS INTERLOCAL CONTRACT applies to design associated with the Peak Drive System (Jones Boulevard to Michael Way) and a lateral in Jones Boulevard from Peak Drive to Brooks Avenue. The basic improvements shall consist of flood water facilities including pipes, channels, dikes, energy dissipators, channel structures, channel access and other appurtenances as may be necessary to control floodwaters. The improvements shall be funded through DISTRICT funds as herein described. This project is further identified and shown on the attached Exhibit "A".

SECTION II – PROJECT COSTS paragraphs 1, 2 and 3 shall be revised to read as follows:

1. The engineering and design shall not exceed \$392,482.
2. Preparation of right-of-way drawings, descriptions, title reports of the right-of-way required, and appraisals at a cost not to exceed \$35,000.
3. The total cost of the contract shall not exceed \$427,482.

SECTION III – GENERAL paragraphs 13, 14, 15 and 16 shall be revised to read as follows:

13. Up to the limits set forth in NRS Chapter 41, The CITY will indemnify and defend the DISTRICT against and from any and all claims and demands of whatsoever nature which arises out of allegations of negligence or misconduct of CITY officers, employees or agents, related to or under this Contract which results from injury to or death of any persons whomsoever, or against and from damage to or loss or destruction of property.
14. Any costs found to be improperly allocated to this PROJECT will be refunded by the CITY to the DISTRICT.
15. The items covered in SECTION II – PROJECT COSTS must be completed to the satisfaction of the DISTRICT prior to August 14, 2008. The DISTRICT may, at any time thereafter, grant extensions or terminate this Contract after thirty (30) days notice.

All other sections of the interlocal contract dated August 14, 2003 shall remain unchanged.

IN WITNESS WHEREOF, this First Supplemental Interlocal contract is hereby executed as of the date first set forth above.

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Date of District Action:

REGIONAL FLOOD CONTROL DISTRICT

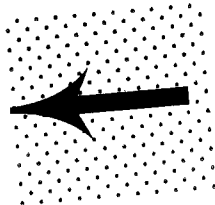
June 8, 2006
ATTEST:

BY: Lawrence L. Brown III
LAWRENCE L. BROWN, III, Chairman

Carolyn Frazier
CAROLYN FRAZIER
Secretary to the Board

Approved as to Form:

BY: Ch. Figgins
CHRISTOPHER FIGGINS
Chief Deputy District Attorney



Date of Council Action:

CITY OF LAS VEGAS

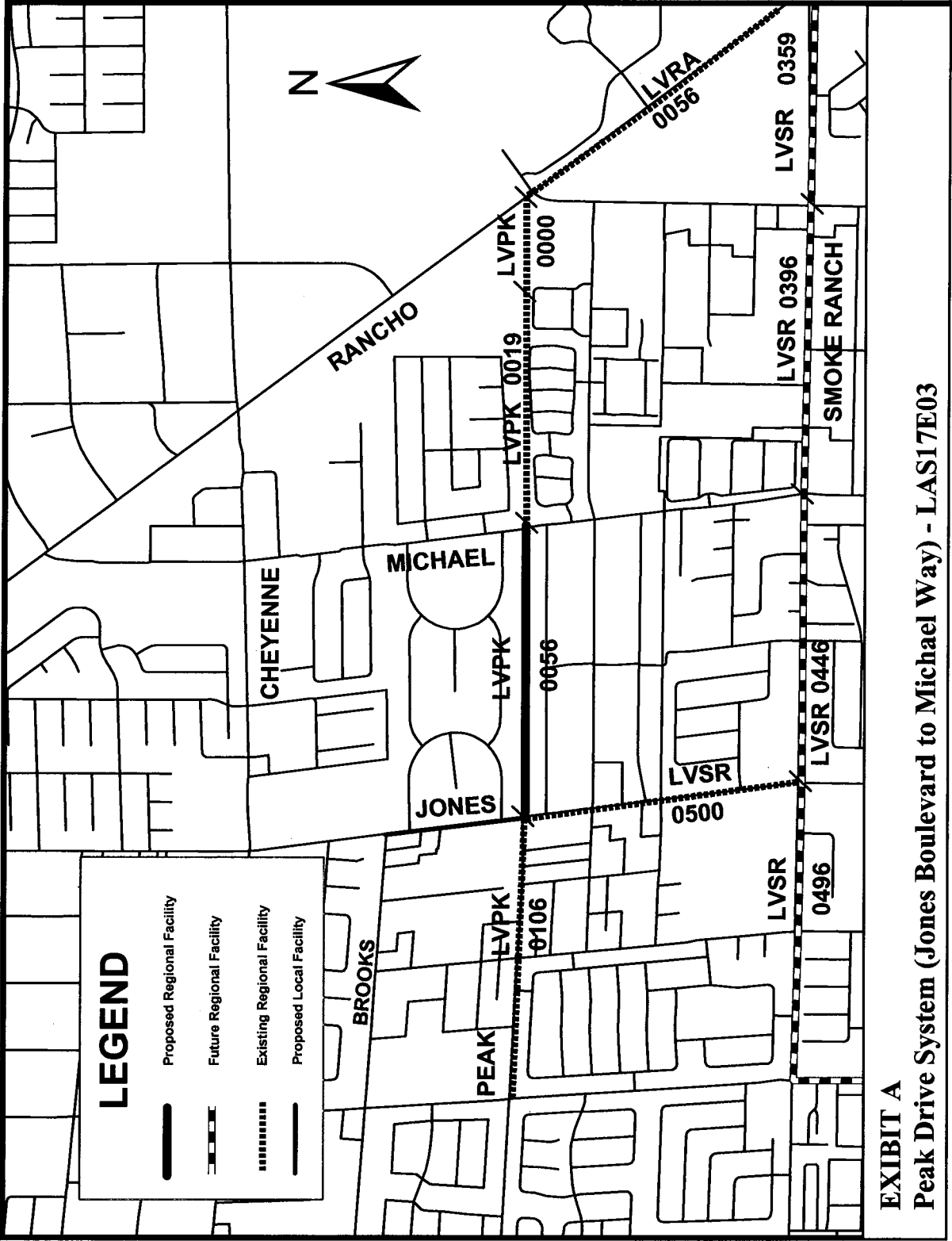
ATTEST:

BY: _____
OSCAR B. GOODMAN, Mayor

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM

Thomas R. Green 6/20/06
Thomas R. Green Date
Deputy City Attorney



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